

House Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 136

HOUSE BILL 2283

AN ACT

AMENDING LAWS 2004, CHAPTER 121, SECTION 1; AMENDING LAWS 2004, CHAPTER 121, SECTION 2; RELATING TO THE CERTIFIED NURSING ASSISTANTS MEDICATION ADMINISTRATION PILOT PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Laws 2004, chapter 121, section 1 is amended to read:

3 Section 1. Pilot study medication technicians: pilot program

4 A. The state board of nursing may establish a pilot program to
5 determine the impact to patient health and safety of allowing nursing
6 assistants certified pursuant to title 32, chapter 15, ARIZONA REVISED
7 STATUTES, and acting as pilot study medication technicians to administer
8 medications under educational requirements and conditions prescribed by the
9 board.

10 B. The board may conduct the pilot program in not more than six
11 skilled nursing facilities. Acute and sub-acute patients ~~shall be~~ ARE
12 excluded from this ~~study~~ PILOT PROGRAM.

13 C. Except as provided in this subsection, nursing facilities
14 participating in the pilot program shall not replace existing registered
15 nurse and licensed practical nurse positions with certified nursing
16 assistants or pilot study medication technicians. The department of health
17 services and board may authorize, as part of the pilot program, adjustments
18 to nursing staff mix as necessary to conduct an evidence based study to
19 determine the impact of varying staffing models ~~upon~~ ON patient health and
20 safety. Facilities participating in the pilot program shall not violate
21 state or federal laws relative to the adequacy of nursing coverage.

22 D. The pilot program must include delegation and supervision protocols
23 regarding which medications the pilot study medication technicians may and
24 shall not administer and under what conditions. The protocols shall prohibit
25 medication technicians from administering any medication or fluid by needle.
26 The protocols must give registered nurses and licensed practical nurses the
27 authority to refuse to delegate the administration of medication to pilot
28 study medication technicians if a nurse believes that patient health and
29 safety is at risk.

30 E. The board may adopt policies prescribing the education and training
31 requirements for certified nursing assistants participating in the pilot
32 program as pilot study medication technicians.

33 F. The board is authorized to charge the participating facilities and
34 pilot study medication technicians an assessment to implement ~~the provisions~~
35 ~~of this section.~~

36 ~~G. The board must complete the pilot program on or before December 1,~~
37 ~~2008.~~

38 ~~H.~~ G. For the purposes of this act, the state board of nursing is
39 exempt from rulemaking with regard to adopting policies to assist in the
40 implementation of this act. The board shall hold public hearings to review,
41 discuss and adopt the proposed policies.

42 ~~I.~~ H. The board shall submit a written report on or before December
43 1, 2008 to the governor, the president of the senate and the speaker of the
44 house of representatives regarding the results of the pilot program and
45 recommendations for any administrative or legislative action. The board

1 shall provide a copy of the report to the secretary of state and the director
2 of the Arizona state library, archives and public records.

3 Sec. 2. Laws 2004, chapter 121, section 2 is amended to read:

4 Sec. 2. Delayed repeal

5 ~~This act~~ LAWS 2004, CHAPTER 121 is repealed from and after September
6 30, 2009 2011.

7 Sec. 3. Retroactivity

8 Laws 2004, chapter 121, section 1, as amended by this act, applies
9 retroactively to December 1, 2008.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.